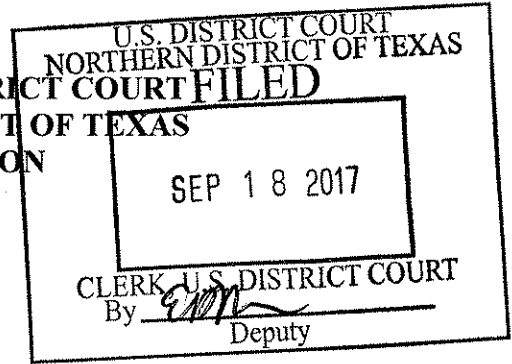


**ORIGINAL**

*TSw/oracle*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**



**WEST COAST LIFE INSURANCE  
COMPANY,**

*Plaintiff,*

**v.**

**KENNETH DEAN MARTIN and  
WADE ALLEN DELK,**

*Defendants.*

**Case No: 4:17-cv-605-A**

**AGREED MOTION TO ABATE**

Plaintiff West Coast Life Insurance Company ("West Coast"), Defendant Kenneth Dean Martin ("Martin"), and Defendant Wade Allen Delk ("Delk"), (collectively, the "Parties"), file their Agreed Motion to Abate the above cause and state:

1. On October 12, 2013, West Coast issued a policy of life insurance, Policy Number Z02390964 (the "Policy"), to Linda M. Martin (the "Insured") in the amount of \$250,000.00 (the "Policy Proceeds"). The Insured designated her husband, Martin, as the primary beneficiary of the Policy, and her child, Delk, as the contingent beneficiary. On May 31, 2016, the Insured died from gunshot wounds and Martin has been charged in connection with her death. West Coast filed its Complaint for Interpleader as the insurer and holder of the Policy Proceeds pursuant to Texas Estates Code §1103.151, which provides that a beneficiary under a life insurance policy is disqualified from receiving the benefits if the beneficiary participated in willfully bring about the death of the insured.

2. The parties have agreed that West Coast interplead the Policy Proceeds into the Court's registry. The parties further stipulate and agree that the case should be abated pending

the resolution of the state court litigation, *Amy Delk and Wade Delk v. Kenneth Dean Martin*, Cause No. PR-2016-00551-01 in the Probate Court of Denton County, Texas (the “State Court Action”).

3. To avoid duplication of resources and efforts, the parties request that this cause be abated pending the resolution of the State Court Action.

**PRAYER**

**WHEREFORE**, the parties respectfully request that this Court abate the above cause pending resolution of the State Court Action. The parties further request they be awarded such other and further relief as the Court may deem appropriate.

DATE: September 13, 2017.

Respectfully submitted,



Kelly C. Hartmann  
State Bar No. 24055631  
G. Alan Teague  
State Bar No. 24089940  
GALLOWAY, JOHNSON, TOMPKINS,  
BURR & SMITH  
14643 Dallas Parkway, Suite 625  
Dallas, Texas 75254  
Telephone: (214) 545-6389  
Fax: (214) 442-7973  
Email: khartmann@gallowaylawfirm.com  
Email: ateague@gallowaylawfirm.com  
**COUNSEL FOR PLAINTIFF WEST COAST  
LIFE INSURANCE COMPANY**

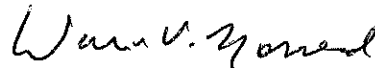
Respectfully submitted,



---

Victor A. Rivera  
State Bar No. 24047268  
RIVERA LAW FIRM, P.C.  
109 S. Woodrow Ln., Ste. 300  
Denton, Texas 76205  
Tele: (469) 400-0000  
Fax: (469) 317-3331  
Email: Victor@RiveraFirm.com  
**COUNSEL FOR DEFENDANT WADE DELK**

Respectfully submitted,



---

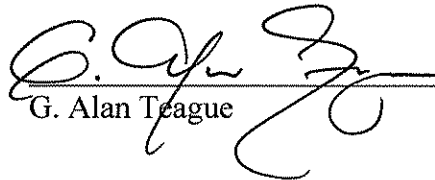
Orsen E. Paxton, III  
State Bar No. 15649100  
Warren V. Norred  
State Bar. No. 24045094  
204 S. Mesquite St.  
Arlington, TX 76010  
Telephone: (817) 275-6611  
Fax: (817) 275-6621  
Email: paxton.orsen@paxlawfirm.com  
**COUNSEL FOR DEFENDANT  
KENNETH MARTIN**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served in accordance with the Federal Rules of Civil Procedure to all known counsel of record on this 13<sup>th</sup> day of September, 2017 as follows:

Victor A. Rivera  
RIVERA LAW FIRM, P.C.  
109 S. Woodrow Ln., Ste. 300  
Denton, Texas 76205  
Fax: (469) 317-3331  
Email: Victor@RiveraFirm.com  
**COUNSEL FOR DEFENDANT WADE DELK**

Orsen E. Paxton, III  
Warren V. Norred  
204 S. Mesquite St.  
Arlington, TX 76010  
Fax: (817) 275-6621  
Email: paxton.orsen@paxlawfirm.com  
**COUNSEL FOR DEFENDANT KENNETH MARTIN**

  
\_\_\_\_\_  
G. Alan Teague